IN THE HIGH COURT OF UTTRAKHAND
AT NAINITAL

Writ Petition No. 278 (SS) of 2005

1. Sampat, S/o Sri Shiv Charan, R/o Balmiki Basti, Puljatwala, Jwalapur, Haridwar, District – Haridwar.
2. Ashok S/o Sri Phool Chand, R/o Mayapur, near Bhalla College, Haridwar, District – Haridwar.
3. Buddhan, S/o Sri Mangal, R/o Balmiki Basti, Puljatwala, Jwalapur, Haridwar, District – Haridwar.
4. Ilam Chand, S/o Sri Mangal, R/o Mayapur, near Bhalla College, Haridwar, District – Haridwar.
5. Sanjay, S/o Sri Som, R/o Balmiki Basti, Puljatwala, Jwalapur, Haridwar, District – Haridwar.
6. Vinod Mishra, S/o Sri Babu Ram, R/o Municipality Quarters, Mayapur, Haridwar, District – Haridwar.

……Petitioners.

Versus

1. State of Uttarakhand, through Secretary, Health Dehradun.
2. Executive Engineer, Municipal Board, Haridwar, District – Haridwar.

……Respondents.

Hon'ble M.M. Ghildiyal, J

Heard Sri Tapan Singh, holding brief of Sri Lok Pal Singh, learned counsel for the petitioners, Sri Paresh Tripathi, learned counsel for State of Uttarakhand on behalf of respondent no. 1 and Sri Pankaj Miglani, learned counsel for respondent no. 2.

By means of this writ petition petitioners have prayed for the following reliefs:

i. issue a writ, order or direction in the nature of Certiorari quashing the impugned order dated

20.12.2004 contained Annexure 8 passed by respondent no. 2.

ii. *issue a writ, order or direction in the nature of Mandamus commanding the respondents to regularize / absorb the petitioners on the post of Driver and further be pleased to direct the respondents that they pay the salary to the petitioners on the post of Driver.*

iii. *Issue any other relief, which this Hon'ble Court may deem fit and proper in the circumstances of the case.*

iv. *Cost of the petition be awarded in favour of the petitioners.*

Vide order dated 20.12.2004, petitioners no. 1, 2, 3 and 5 have been attached with Sanitary Inspector at Jwalapur, Mayapur, Kankhal and Haridwar respectively. So far as petitioners no. 4 and 6 are concerned no order of attachment has been passed in this regard.

Learned counsel for the petitioner has submitted that petitioners were appointed on the post of Sweeper but they are performing the duties of drivers, as such, they may be regularized on the post of Driver.

Petitioners could not show any order to substantiate their case. There is no appointment order on the post of Driver in favour of petitioners.

I do not find any illegality in the impugned order. Writ petition lacks merit and as such, is dismissed. All the pending applications stands rejected. No order as to costs.

(M.M. Ghildiyal, J)

July 25, 2007
SKSharma